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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,579	12/28/2001	David S. Vogel	4234-30	1716

7590 12/30/2003  
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EXAMINER

TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,579	VOGEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Tsidulko	2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,6,9-18 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5,6,9-12 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 13-17 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

The submission of amendment filed on 11/10/03 is acknowledged. At this point claims 1, 5, 9, 13 have been amended, claims 2, 4, 7, 8, 19-21 have been canceled and the remaining claims left unchanged. Thus, claims 1, 3, 5, 6, 9-18, 22-28 are at issue in the instant application.

#### ***Claim Objections***

Claims 5 and 27 are objected to because of the following informalities:

Referring to Claim 5 it is unclear what Applicant intends by "*An apparatus as in claim 4* 5"? Claim 4 is canceled and claim 5 can not be depended on itself.

Referring to Claim 27 it is unclear what Applicant intends by "*An apparatus as in claim 27*"? Claim can not be depended on itself.

The status of Claims 5, 27 (i.e. if allowable or not) can not be determined because of the vagueness of the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **13-17, 26, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar (US 3,303,582) in view of Moedt (US 5379271).

Referring to Claim **13** Farquhar discloses (Fig.9) a display apparatus having:

- a light transmissive inner hollow body [100] that has a central axis and surface with images thereon;
- a single electric light source [60] inside the inner hollow body;
- an outer hollow body [20] having a common central axis and serves as a projection screen (col.6, lines 30-35). The inner and outer hollow bodies are spherical and concentric.

Farquhar disclose the instant claimed invention except for an electrical motor and translucent material serves as a projection screen.

Moedt discloses (Fig.2) an electric motor [68] that rotates the body about the central axis. It is understood that the electrical motor can be used for rotation of inner or outer body depending on necessity.

Since Farquhar disclose the transparent material used for the projection screen, it is understood that outer globe of Farquhar may be made of translucent material, as shown by Moedt (see Abstract), what is a matter of the design choice, because do not change projection function.

Referring to Claim **14** Farquhar discloses (Fig.9) spherical and concentric outer [20] and inner [100] bodies.

Referring to Claim **15** Farquhar discloses the instant claimed invention except for housing.

Moedt discloses (Fig.2) discloses a housing [92] holding an electrical motor [68] and fixed to the outer hollow body.

Referring to Claim **26** Farquhar discloses (Fig.9) a projection lamp [60]. It is understood that the regular incandescent bulb, well known in the art, having a transparent envelope can be used in the apparatus.

Referring to Claim **28** Farquhar disclose the instant claimed invention except for images are translucent.

Moedt discloses the translucent image of the map.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the electric motor of Herni for the device of Farquhar for purpose of rotation the outer globe.

Claim **16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar and Moedt as applied to claim 15 above, and further in view of Ho (US 5,552,975).

Farquhar and Moedt disclose the instant claimed invention except for inner body has a neck.

Ho discloses (Fig.2) a rotating member [55] which is driven by motor, light source being fixed in a rotating member, inner hollow body [2] having a neck [25] (col.2, line 50) engaging rotating member (col.3, lines 13-23).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the rotation member of Ho for the apparatus of Farquhar and Moedt in order to obtain rotation of inner hollow body.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar and Moedt as applied to claim 15 above, and further in view of Herni (FR 2575575).

Farquhar and Moedt disclose the instant claimed invention except for outer body has a first opening concentric to the axis and engaging the housing.

Herni discloses (Fig. 2) the outer body having a first opening concentric to the axis and engaging the housing.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the outer body of Farquhar et al. having a first opening concentric to the axis and engaging the housing, as taught by Herni, for the purpose of communication with rotation means.

#### *Allowable Subject Matter*

Claims 1, 3, 6, 9-12, 22-25 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 1 the prior art of record does not disclose housing is formed with a circumferential flange, opening being formed in two halves with a channel concentric to an axis and channel engaging the flange when halves are assembled.

Claims 3, 5, 6, 9-12, 26, 28 are allowed as claims depended on claim 1.

Referring to Claim 22 the prior art of record does not disclose at least one tubular sleeve fitted to at least one of inner hollow body and outer body and having translucent imagery.

Claims 23, 24 are allowed as claims depended on claim 22.

Claim 25 is allowed as claims depended on claim 24.

Claim **18** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the prior art of record does not disclose a cover that is engageable to outer hollow body to cover the opening.

### ***Response to Arguments***

Applicant's arguments filed 11/10/03 have been fully considered but they are not persuasive.

Applicant argues that Farquhar does not disclose the projection screen being transparent, but not translucent.

In response, since Farquhar discloses the transparent material used for the projection screen, it is understood that the outer globe of Farquhar may be made of translucent material, as shown by Moedt (see Abstract), which is shown to be obvious as taught by Moedt.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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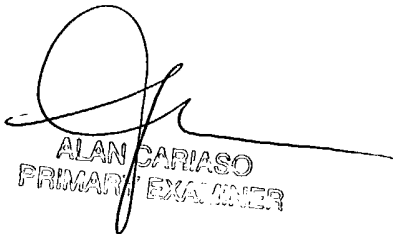
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326 or, starting from January 15, 2004 (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939 or, starting from January 15, 2004 (571) 272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
December 17, 2003

  
ALAN CARIASO  
PRIMARY EXAMINER



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